PCBs in Building Materials at Malibu Schools

EPA is currently working with the Santa Monica-Malibu School District to address potential health concerns and environmental compliance issues arising from polychlorinated biphenyl (PCB) containing building material found at Malibu High School and Juan Cabrillo Elementary School.

EPA's National Approach to PCBs in Schools

PCBs in schools is not unique to Malibu. This chemical was widely used in building materials across the country, including in school construction, from the 1950s-1970s. Recent scientific studies, including a 2012 study by EPA's Office of Research and Development, show that the primary health concerns from PCBs in building materials, including window caulk, stem from the inhalation of contaminated air; and secondarily from contact with PCBs in dust and subsequent incidental ingestion. For this reason, EPA's national guidance for schools is to implement best management practices to eliminate these potentially harmful human exposures to PCBs. These practices include frequent cleaning procedures and improved ventilation, as needed for that specific location. Where schools are implementing the best management practices, EPA will consider such schools a low priority for enforcement unless there is a significant risk to public health.

Work Conducted at Malibu Schools

As part of an investigation by the District in 2013 to address health concerns at Malibu High School, the District voluntarily tested caulk, dust and air in approximately 10 rooms for PCBs. The tests showed air concentrations were below EPA's health-based guidelines. However, PCBs in dust levels were elevated and four caulk samples were above the regulatory level of 50 parts per million (ppm).

Under EPA oversight and consistent with national guidance, the school district conducted a comprehensive program of thorough cleaning and testing this summer at both the high school and Juan Cabrillo Elementary School. The work undertaken by the district appropriately focused on the human exposure pathways of greatest concern for school environments, specifically air, dust and soil, to make sure potential exposures meet health-based guidelines. The district's air and dust sampling has demonstrated that the rooms accessible to staff and students are safe from PCBs exposures.

To address the "unauthorized use" of PCB containing caulk greater than 50 ppm, in an email to EPA on August 15, 2014, the district amended their proposed cleanup plan by committing to abate the PCB containing window caulking in the four rooms within 10 months. The original plan submitted by the district proposed to abate the caulk in 15 years or less. The district also agreed to remove within one year any light fixtures potentially stained with PCBs from previously removed light ballasts. Following EPA's current process, the agency expects to finalize approval of the district's cleanup plan with a Toxic Substances Control Act (TSCA) approval letter.

The Public Employees for Environmental Responsibility (PEER) and Malibu Unites, represented by the Vititoe Law Group, have prepared a notice of intent to sue EPA and the Santa Monica Malibu Unified School District consistent with TSCA section 20. EPA has not yet received the formal notice, though it is available on PEER's website. The primary allegation in their notice is that continued use of PCB caulk at greater than 50 ppm is a violation of TSCA. The pending suit would seek the prompt identification and removal of caulk above 50 ppm in both Malibu High School and Juan Cabrillo Elementary School. The action relies in part on caulk testing conducted by PEER without the consent of the District.

Regulatory Background/Issues

Section 2605(e) of TSCA bans the manufacture, processing, distribution in commerce, and use of PCBs, unless the PCBs are used in a totally enclosed manner, such as in transformers. This section also provides EPA with the authority to promulgate regulations authorizing such activities in a "non-totally enclosed manner" if EPA finds that such activities will not present an unreasonable risk of injury to health or the environment. With limited exception, EPA's PCB regulations establish that building materials with PCBs at or above 50 ppm constitute an "unauthorized use" of PCBs. The statute and regulations do not require schools or building owners to test caulk or other building material to determine compliance with the 50 ppm threshold for unauthorized use.

In 1994, EPA proposed rules that would have authorized the continued use of PCBs in non-liquid building materials under certain conditions, including environmental monitoring to ensure that the continued use would not present an unreasonable risk. Following OMB inter-agency review, the provision was left out of regulations published in 1998.